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**REMARKS**

Claims 1-6, 20-23, 26-35, and 40-43 are pending.

**§ 102 Rejections**

Claims 1, 20-23, 26-30, 32 and 33 stand rejected under 35 USC § 102(e) as being anticipated by Frich et al. (US 6,203,262). The Office Action stated that Frich et al. teaches an RFID device, and the method and system for utilizing the RFID tag. The RFID tag contains an identification information and shelf location (col. 4, lines 47+; col. 4, lines 63- col. 5, line 6) for the books to be restocked. Applicants respectfully disagree for at least the following reasons.

**I. Claim 1**

A. First, Frich et al. does not teach an RFID tag that contains identification information and shelf location in the sections of Frich et al. listed in the Office Action. Instead, Frich et al. teaches that a control system reads the RFID or other machine readable identifying label affixed to the material to direct the material to a selected shelf on a selected cart. It seems as if the Examiner is focusing on the issue of whether a certain amount of information is included in the tag or not, and asserting that patentability turns on this issue. As pointed out below, Frich et al. does not teach an RFID device that comprises element b) of claim 1: an indicator for indicating information regarding one or both of (i) a class of materials to which the item belongs, and (ii) a desired location for that item.

Second, Frich et al. does not disclose an RFID device that comprises an indicator for indicating information. Instead, Frich et al. discloses a library cart loading system that includes a materials processing station 120. The materials processing station 120 automatically: i) squares the incoming library materials for subsequent reading of the RFID tag associated with each library material item; ii) selective orients the material according to the RFID depending upon cart loading stations 100a or 100b to which the item is intended to be directed and onto which of the carts 200a-d the item is intended to be loaded, and iii) transports the item to a specific book rack assembly 440 associated with each of the cart loading stations 100a-b. The materials processing station 120 does not include an indicator for indicating information to a user, such as a display

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for indicating information to a user illustrated in Figures 9 and 10. Figure 9 is discussed in more detail below:

Figure 9 shows an example of the display of sorting information. In this case, it indicates both a fiction sort and a specific library cart location on a display attached to a device. The same display could stand alone, independent of the device, and be used for feedback with the other identification options described above. Other methods of display could also be used. LEDs could be attached to each shelf on each cart. The sorting processor could send a signal to the appropriate shelf, causing the LED to be turned on. Audio signals also could be used. Optionally, there could be RFID readers attached to the carts that verify placement of the item on the cart. This would assure that the item was placed properly and help in tracking operations

Frich et al. does not disclose an indicator for indicating information, as recited in claim 1. Instead, the materials processing station 120 of Frich et al. reads the bar code or RFID tag on the book and then automatically transports the book onto a shelf on a cart. Figure 8 of Frich et al. illustrates a top view of the library cart loading system. The books 800a-c are automatically sorted into cart 200c with their spines facing outward from the shelf and stacked cover-end to cover-end. The materials processing station 120 does not include an indicator of information which would allow the user to receive information about the item scanned, for example, a visual or audible signal of the category to which the material belongs, and the cart or container holding materials within that category, as shown in Figure 9.

Third, Frich et al. does not disclose an RFID device that comprises an indicator for indicating information regarding one or both of (i) a class of materials to which the item belongs, and (ii) a desired location for that item. Instead, as mentioned above, the control system reads the RFID or other machine readable identifying label affixed to the material and the materials processing station automatically direct the material to a selected shelf on a selected cart. The control system determines which cart the item should loaded upon, which shelf on the cart is to be so loaded, and which placer 400 station is associated with the determined cart based on: 1) the library cataloging system and bar code and 2) number of tilter 300 and placer 400 stations incorporated into the library handling system.

In contrast, claim 1 recites an RFID device that comprises "(b) an indicator for indicating information regarding one or both of (i) a class of materials to which the item belongs, and (ii) a

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desired location for that item. An example of such an RFID device is taught in the specification, for instance on page 21, lines 7-18, which states as follows:

Each library designates their own sorting categories including, for example, adult non-fiction, children's fiction, materials that are being held, and materials that were or will be on ILL (inter-library loan) to another library branch. When an operator begins the sorting operation, he or she can use the RFID device to scan the RFID element associated with a material, and receive, for example, a visual or audible signal of the category to which the material belongs, and the cart or container holding materials within that category, as shown in Figure 9. For example, the operator may scan a book, learn that it is in the children's fiction category, and learn that it belongs on cart number 123. The identification of the material, category, and temporary (initial) or permanent (final) location of the item may occur in response to information obtained from the RFID element, from LAV software, from a separate sorting database, from another source, or from a combination of the foregoing.

The materials processing station 120 of Frich et al. does not include an RFID device with such an indicator. Specifically, the materials processing station 120 of Frich et al. does not indicate, for a particular item, the class of materials to which that item belongs, nor does it indicate the desired location for that item. Regarding the point about class of materials to which that item belongs, Frich et al. does teach loading carts with like-kind materials according to a particular library cataloging system and bar code which presumable will involve a Dewey Decimal System call number, a Library of Congress call number, ISBN number or an arbitrarily assigned number, but this information does not readily convey to the user what class of materials to which that item belongs. For example, examples of Dewey Decimal System call number are KA-452-1100 1, KA-456-1122 1, KA-4561122 2, QR-123-340 1. It would be difficult to a user to readily understand what class of materials that item belongs to, such as children's fiction, by reading such identification information. Regarding the point about the desired location for that item, Frich et al. appears to sort the materials according to the predetermined or actual location of a tagged item, such as by it's Dewey Decimal number but not the desired location for such an item. For example, the books 800a-c on the first shelf on the first cart 200c is dedicated to a particular range of Dewey Decimal System call numbers, whereas the books on other shelves are dedicated to other ranges of Dewey Decimal System call numbers. This is an important distinction, because it is useful in, for example, a library environment to be able to interrogate an RFID-tagged item and then see an indication of where that item belongs within the library. Since, as

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described in the specification, each library typically designates its own sorting categories such as adult non-fiction, children's fiction, materials that are being held, and materials that were or will be on ILL (inter-library loan) to another library branch, it is helpful to the operator to scan a book, learn that it is in the children's fiction category, or learn that it belongs on cart number 123, both being desired locations for that book. As a result, the materials processing station 120 does not include an indicator of information which would allow the user to receive information about the item scanned, for example, a visual or audible signal of the category to which the material belongs, and the cart or container holding materials within that category, as shown in Figure 9.

Therefore, contrary to the Office Action's assertion that all elements of claim 1 are disclosed in Frich et al., element (b) of claim 1 is not; the rejection is unsupported by the art and should be withdrawn. Applicants therefore request the rejection of claim 1 under 35 USC § 102(e) over Frich et al. be withdrawn.

## II. Claims 20-22

Claims 20-23 stand rejected under 35 USC § 102(e) as being unpatentable over Frich et al., however there is no discussion whatsoever in the Office Action about the method of claim 20. Instead there is only a cursory statement that Frich et al. teaches a method for utilizing the RFID tag. Accordingly, the applied rejection is believed to be faulty, and if the Examiner proposes to provide any reasoning supporting the rejection then Applicants respectfully request a second non-final Office Action be issued so that Applicants may learn what that reasoning is and reply to it.

Even if the rejection were properly supported by argument, Applicants submit that Frich et al. does not teach the invention of claim 20 for at least the following reasons.

First, Frich et al. does not show, teach or suggest the step of inputting information to the device to describe a location. Second, Frich et al. does not show, teach, or suggest the step of determining whether the interrogated item belongs at the location location. Third, Frich et al. does not show, teach or suggest providing an appropriate signal to a user. In fact, none of the sections of Frich et al. cited in the Office Action make any mention of steps (b)-(d) of claim 20 at all.

Therefore, contrary to the Office Action's assertion that all elements of claim 1 are disclosed in Frich et al., elements (b)-(d) of claim 20 are not; the rejection is unsupported by the

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art and should be withdrawn. Claims 21-22, which depend from claim 20 and add further limitations, are likewise patentable over Frich et al. and the rejection should be withdrawn. Applicants therefore requests the rejection of claims 20-22 under 35 USC § 102(e) over Frich et al. be withdrawn.

### III. Claim 23

Claim 23 stands rejected under 35 USC § 102(e) as being unpatentable over Frich et al., however there is no discussion whatsoever in the Office Action about the method of claim 23. Instead there is only a cursory statement that Frich et al. teaches a method for utilizing the RFID tag. Accordingly, the applied rejection is believed to be faulty, and if the Examiner proposes to provide any reasoning supporting the rejection then Applicants respectfully request a second non-final Office Action be issued so that Applicants may learn what that reasoning is and reply to it.

Even if the rejection were properly supported by argument, Applicants submit that Frich et al. does not teach the invention of claim 23 for at least the following reasons.

First, Frich et al. makes no mention whatsoever of using a handheld RFID device for reading information from an RFID element. Second, Frich et al. does not show, teach, or suggest the step of detecting where within the group of items a desired item should be placed. Third, Frich et al. does not show, teach, or suggest providing an indication to the user of that location.

Therefore, contrary to the Office Action's assertion that all elements of claim 23 are disclosed in Frich et al., the method of using an handheld RFID device and the detecting and providing steps of claim 23 are not; the rejection is unsupported by the art and should be withdrawn. Applicants therefore requests the rejection of claims 23 under 35 USC § 102(e) over Frich et al. be withdrawn.

### IV. Claims 26-30, 32 and 33

Claim 23 stands rejected under 35 USC § 102(e) as being unpatentable over Frich et al., however there is no discussion whatsoever in the Office Action about the method of claim 26. Instead there is only a cursory statement that Frich et al. teaches a method for utilizing the RFID tag. Accordingly, the applied rejection is believed to be faulty, and if the Examiner proposes to

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provide any reasoning supporting the rejection then Applicants respectfully request a second non-final Office Action be issued so that Applicants may learn what that reasoning is and reply to it.

Even if the rejection were properly supported by argument, Applicants submit that Frich et al. does not teach the invention of claim 23 for at least the following reasons.

First, regarding claim 26, Frich et al. does not show, teach, or suggest the step of providing information to the RFID device identifying a location. Second, also regarding claim 26, Frich et al. does not show, teach, or suggest the step of associating the items with the location.

Third, Regarding claim 27, there is no mention whatsoever in the sections of Frich et al. cited by the Examiner which disclose, teach, or suggest interrogating an RFID element which is associated with a location. The only mention of RFID elements or tags is those RFID tags that are attached to articles. There is no teaching a scanning an RFID tag to identify the location itself, wherein the location has a separate RFID element, as required by claim 26 and 27. In contrast, the specification teaches one embodiment of an RFID element associated with a location, which is a portable cart, as taught in the specification on page 23, lines 20-21. As taught in the specification on page 24, lines 1-13, the operator may scan the RFID tag on the cart to record the location of the items on the cart.

Fourth, regarding claim 28, there is no mention whatsoever in the sections of Frich et al. cited by the Examiner which disclose, teach, or suggest the step of arranging and interrogating the items in a series, so that the RFID device can determine the location of one item with respect to the other item. In contrast, one embodiment of such a method is described in the specification on page 24, lines 1-7, as follows:

An operator may use the hand-held RFID device and pass it by the cart in a particular order (for example, from left-to-right, and top-to-bottom). As the RFID device passes by the items, the device reads the items having RFID tags, and records and stores their positions on the cart. The RFID reader identifies the cart by reading a tag on the cart or by entering the cart identification information into the hand-held unit.

Fifth, regarding claim 32, there is no mention whatsoever in the sections of Frich et al. cited by the Examiner which disclose, teach, or suggest the step of passing the RFID device into or through the cart.

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Sixth, regarding claim 33, there is no mention whatsoever in the sections of Frich et al. cited by the Examiner which disclose, teach, or suggest a shelf having an antenna associated therewith.

Therefore, contrary to the Office Action's assertion that all elements of independent claim 26 are disclosed in Frich et al., steps (a) and (c) are not; the rejection is unsupported by the art and should be withdrawn. Claims 27-30 and 32-33, which depend from claim 26 and add further limitations, are likewise patentable over Frich et al. and the rejection should be withdrawn. In addition, dependent claims 27, 28, 32 and 33 recite elements not disclosed by Frich et al. and should be independently allowable. Applicants therefore requests the rejection of claims 26-30 and 32-33 under 35 USC § 102(e) over Frich et al. be withdrawn.

In conclusion, the rejection of claims 1, 20-23, 26-30, 32 and 33 under 35 USC § 102(e) as being anticipated by Frich et al. et al. has been overcome and should be withdrawn.

### **§ 103 Rejections**

#### **I. Claims 2-6, 34 and 35**

Claims 2-6, 34 and 35 stands rejected under 35 USC § 103(a) as being unpatentable over Bowers et al. (US 5,963,134) in view of Frich et al. et al.

Regarding claim 2, the Office Action states that Bowers et al. provides an indicator that provides at least one of an audible and a visual indication, relying on Figures 4 and 7, column 7, lines 65-67 and column 10, lines 35+ of Bowers et al. Applicants disagree. These sections of Bowers et al. relate to the database or a dumb pedestal, not the indicator portion of an RFID device. Specifically, the dumb pedestal taught in this section sounds an alarm if any articles are removed from the periodical room. It does not sound an audible indication regarding one or both of the (i) class of materials to which the item belongs, and (ii) a desired location for that item, as recited in claims 1 and 2.

Regarding claim 4, the Office Actions states that Bowers et al. provides information that is obtained from memory within the RFID device, relying on Figures 1 and 3 and column 9, lines 15-36. Applicants disagree. These sections of Bowers et al. make no mention whatsoever of obtaining

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from the *memory within the RFID device* one or both of (i) information from the class of materials to which the item belongs, and (ii) a desired location for that item. Instead, these sections only detail the schematic of the reader or interrogator.

There is no discussion whatsoever in the Office Action regarding Frich et al. teaching the subject matter of claims 2 and 4. Therefore, dependent claims 2 and 4 recite elements not disclosed by Bowers et al. or Frich et al., whether taken alone or combined together, and should be independently allowable.

Claims 2-6 depend from claim 1. Claim 1 is patentable for the reasons given above. Therefore, claims 2-6 which add further limitations are likewise patentable and the rejection should be withdrawn. Moreover, claims 2 and 4 are independently allowable for the reasons given above. Applicants therefore request the rejection of claims 1-6 under 35 USC § 103(a) as being unpatentable over Bowers et al. in view of Frich et al. has been overcome and should be withdrawn.

Claims 34-36 depend from claim 26. Claim 26 is patentable for the reasons given above. Therefore, claims 34-36 which add further limitations are likewise patentable and the rejection should be withdrawn.

In summary, the rejection of claims 2-6, 34 and 35 under 35 USC § 103(a) as being unpatentable over Bowers et al. has been overcome and should be withdrawn.

## II. Claim 31

Claim 31 stands rejected under 35 USC § 103(a) as being unpatentable over Frich et al. in view of Ghaffari et al. (US 5,708,423). Claim 31 depends from claim 26. Claim 26 is allowable for at least the reasons given above. Therefore, claim 31, which depends from claim 26 and add further limitations, are likewise allowable and the rejection should be withdrawn.

## Allowed Claims

Applicants appreciate the allowance of claims 40-43



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Withdrawal of the outstanding rejections and allowance of the pending claims is respectfully requested. If a telephonic conference would be helpful in resolving any outstanding matters in the present application, the Examiner is encouraged to contact Applicants' undersigned representative..

Respectfully submitted,

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